

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	
)	Criminal No. 3:09-cr-117
Plaintiff,)	
)	
v.)	REQUEST FOR PRE-TRIAL HEARING
)	TO RULE ON THE ADMISSIBILITY
SCOTT RYAN DEMUTH,)	OF CERTAIN EVIDENCE
)	
Defendant.)	

The United States of America, in the Southern District of Iowa, by and through the United States Attorney for the Southern District of Iowa and his Assistant United States Attorney Clifford R. Cronk III moves this Court for a pre-trial ruling, pursuant to Federal Rule of Evidence 104. In support of this request, the United States sets forth the following:

1. Federal Rule of Evidence 104 provides that “[p]reliminary questions concerning the qualification of a person to be a witness, the existence of a privilege, or the admissibility of evidence shall be determined by the court” Hearings on “preliminary matters” shall be conducted outside the presence of the jury when the interests of justice require.

2. There are numerous matters that can be resolved on September 13, 2010, a day set aside by the court to decide suppression issues and other matters relating to trial. These include the admissibility of testimony and evidence by certain proposed defense and government experts , the admissibility of subpoenaed records without a custodian

WHEREFORE, the United States respectfully requests that the Court use September 13, 2010 for preliminary hearings on the admissibility of evidence including *Daubert* hearings as to all proposed expert testimony, all crime scene photographs, video tapes, photo arrays, emails, and rule on the relevance of all evidence seized from the defendant's residence.

Nicholas A. Klinefeldt
United States Attorney

- 2 -

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2010, I electronically filed the foregoing with the Clerk of Court using the CM ECF system. I hereby certify that a copy of this document was served on the parties or attorneys of record by:

☐ U.S. Mail ☐ Fax ☐ Hand Delivery

☒ ECF/Electronic filing ☐ Other means

UNITED STATES ATTORNEY

By: /s/
Clifford R. Cronk III